

REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of (Paper No. 8). Upon entry of this Amendment, claims 1-4 and 9-12 will remain pending in this application. Claims 16-19 are cancelled. The amendments to claims 1 and 9 are fully supported by the specification and original claims. No new matter is incorporated by this Amendment.

* * * * *

Claims 1-4 and 9-12 are rejected under 35 U.S.C. § 103(a) as purportedly obvious based on Grimbergen et al. (U.S. Pat. No. 6,390,019) in view of Deguchi et al. (JP 06-021003). Applicants note Deguchi and the present application have the same Assignee.

The Office Action asserts that Grimbergen describes every feature of the claimed invention except a window member having a protrusion and a sealing member. The Office Action also asserts Deguchi teaches it is conventional to include a window having a protrusion and a sealing member. The Office Action thus concludes that it would have been obvious to modify the invention of Grimbergen by employing the window member described by Deguchi. Applicants respectfully traverse.

The present invention, as described by independent claim 1 (from which the remaining claims depend), concerns a plasma processing unit. The plasma unit has a window member with a non-transparent main body including a circular protrusion extending so as to surround the optical path and come into contact with the first electrode. In addition, in Applicants' plasma unit, the sealing member is provided at the circular portion of the non-transparent main body to cause the space to shut off from the optical path.

The above described features ensure that the process gas will be supplied reliably into the processing container, without any leakage. Accordingly, the process gas can be

supplied more uniformly from the first electrode. *See Page 12, Lines 7-17.* In addition, due to the features described above, the deposition of suspended particles, or the like, on the optical path, or the transparent material, can be prevented. Thus, the transmissivity of the transparent material can be maintained for a long period so that a processing state can be monitored for a long period. *See Page 12, Lines 18-28.*

In the Office Action, it is conceded that Grimbergen fails to describe the claimed window member. Applicants submit that Deguchi fails to remedy the deficiency of Grimbergen. Deguchi teaches that it is conventional to include a transparent window member having a protrusion and sealing member in a plasma processing unit that comprises an optical monitoring system. Deguchi employs the window member to prevent leakage of electromagnetic waves. However, Deguchi neither teaches nor fairly suggests employing a window member having a non-transparent main body with a circular protrusion extending so as to surround the optical path and come into contact with the first electrode. Deguchi also neither teaches nor fairly suggests (a window member having) a sealing member that is provided at the circular portion of the non-transparent main body to cause the space to shut off from the optical path. In Deguchi, the protrusion consists of the transparent member, and the sealing member is not located at the protrusion. According to Applicants, the Deguchi window member does not prevent the deposition of suspended particles or the like on the optical path or the transparent material as accomplished by Applicants' claimed structure.

In view of the above remarks, it is clear that the combination of Grimbergen and Deguchi fails to teach or suggest each and every feature of the claimed invention. In addition, there is nothing in the teachings of Grimbergen or Deguchi which would motivate those of ordinary skill to modify the window described by Deguchi to arrive at

the structure (including the window member and sealing member) of the claims. Hence, Applicants submit the rejection is overcome and request that it be withdrawn.

* * *

Claim 1 is rejected under 35 U.S.C. § 103(a) as purportedly obvious based on Kobayashi (JP 06-120177) in view of Deguchi et al.

Claims 1 and 3 are rejected under 35 U.S.C. § 103(a) as purportedly obvious based on Sekine et al (U.S. Pat. No. 5,444,207) in view of Kobayashi and Deguchi et al..

These two rejections are addressed together as similar issues apply to both. Furthermore, Applicants respectfully traverse both rejections.

The Office Action asserts Kobayashi and Sekine both describe every feature of the claimed invention except a window member having a protrusion and a sealing member. The Office Action also asserts Deguchi teaches it is conventional to include a window having a protrusion and a sealing member. The Office Action thus concludes that it would have been obvious to modify the invention of Kobayashi or Sekine by employing the window member described by Deguchi.

As stated above, Deguchi neither teaches nor fairly suggests structure including a window member and sealing member as presently claimed and thus fails to remedy the conceded deficiencies of Kobayashi and Sekine. Hence, it is also clear that the combinations of Kobayashi and Deguchi, or Sekine, Kobayashi and Deguchi both fail to describe each and every feature of the claimed invention. In addition, there is nothing in the teachings of the alleged prior art documents which would motivate those of ordinary skill to modify the window described by Deguchi to arrive at the overall structure of the claims.

In view of the above remarks, Applicants submit that this rejection is also overcome. Reconsideration and withdrawal of all the rejections are thus respectfully requested.

* * * * *

Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 033082.110.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 033082.110.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By: 

Michael A. Makuch, Reg. No. 32,263
1850 M Street, N.W., Suite 800
Washington, D.C. 20036
Telephone: (202) 263-4300
Facsimile: (202) 263-4329

Dated : November 21, 2003
MAM/BLN